



City of Miami Springs, Florida

The Miami Springs City Council held a **REGULAR MEETING** in the Council Chambers at City Hall on Monday, April 9, 2007, at 7:00 p.m.

1. Call to Order/Roll Call

The meeting was called to order at 7:07 p.m.

The following were present:

Mayor Billy Bain
Vice Mayor Bob Best
Councilman Paul C. Dotson
Councilman Xavier Garcia
Councilman Rob Youngs

Also Present:

City Manager James R. Borgmann
Assistant City Manager Ronald K. Gorland
City Attorney Jan K. Seiden
Chief of Police H. Randall Dilling
Finance Director William Alonso
Public Works Director Robert T. Williams
City Planner Richard E. Ventura
City Clerk Magalí Valls

2. **Invocation:** Vice Mayor Best offered the invocation.

Salute to the Flag: The audience participated.

3. **Awards & Presentations:** None.

4. Open Forum:

Miscellaneous

Laura Pilgrim of 650 Nightingale Avenue congratulated the Mayor and Council on their re-election.

She referred to mistakes made in granting permits for construction of large houses and would like to receive clarification as to how the mistakes were made. She informed Council that she checked the file on one of the houses, and found that no variances were granted, which means that Council must continue to address the issue to minimize the size of the houses on a lot.

Ms. Pilgrim also referred to the Miami-Dade County Property Appraiser's records and how the square footage is calculated because this could have implications for the taxpayers in Miami Springs.

5. Approval of Council Minutes:

5A) 03/26/2007 – Regular Meeting

Minutes of the March 26, 2007 Regular meeting were approved as written.

Vice Mayor Best moved to approve and Councilman Garcia seconded the motion which was carried 5-0 on roll call vote.

6. Reports from Boards & Commissions:

6A) 02/01/2007 – General Employees' Retirement System – Minutes

Minutes of the February 1, 2006 General Employees' Retirement System meeting were received for information without comment.

6B) 02/01/2007 – Police Officers and Firefighters' Retirement System – Minutes

Minutes of the February 1, 2007 Police Officers and Firefighters' Retirement System meeting were received for information without comment.

6C) 03/20/2007 – Education Advisory Board – Minutes

Minutes of the March 20, 2007 Education Advisory Board meeting were received for information without comment.

6D) 04/02/2007 – Zoning and Planning Board – Minutes

Minutes of the April 2, 2007 Zoning and Planning Board meeting were received for information without comment.

6E) 04/02/2007 – Board of Adjustment – Approval of Actions Taken at their Meeting of April 3, 2007

Actions taken by the Board of Adjustment at their meeting of April 2, 2007 were approved subject to the 10-day appeal period.

Councilman Garcia moved to approve and Councilman Youngs seconded the motion which was carried 5-0 on roll call vote.

Mayor Bain stated that the Memorial Committee recommended a plaque at the gymnasium to honor former Parks and Recreation Director Ray Stoltz and they also made suggestions regarding the Curtiss Parkway memorial stand. He requested an agenda item for Council to consider the recommendations.

City Attorney Seiden said that Council could address Agenda Item 11A at this point to schedule a Board of Appeals meeting.

By consensus, Council agreed to schedule a Board of Appeals meeting for Monday, April 23, 2007 during the Regular Council meeting to hear Case No. 19-V-07.

7. Public Hearings:

None.

8. Consent Agenda:

8A) Approval of the City Attorney's Invoice for March 2007 in the Amount of \$9,454.50

There was no discussion regarding this item.

Councilman Dotson moved to approve and Vice Mayor Best seconded the motion, which carried unanimously on roll call vote.

9. Old Business:

9A) Approval of Contract with Heisenbottle Architects

At the City Manager's request, this item was **deferred** to the April 23, 2007 meeting.

9B) Discussion Regarding Community Center/Gym

City Manager Borgmann explained that this item was placed on the agenda at the request of Mayor Bain, which is apropos because the next agenda item is consideration of a new roof for the existing gym.

Mayor Bain wanted everyone to understand that the idea is to have a better facility that is much needed for the community. He is clearly aware that there are varying opinions about refurbishing or building a new gym and he would like to gather ideas and alternatives in order for the people of the community to be able to make a decision.

Mayor Bain explained the alternatives are: 1) Refurbishing the existing gym; 2) refurbishing the gym and adding on to the Cavalier Annex to allow space for new programs; 3) determining the cost and square footage for a new facility.

The Mayor noticed that two structural engineers were mentioned in a letter to Councilman Dotson and he would like those engineers to meet with the City Manager. He explained that anyone with suggestions or information should express their ideas so that the end result will be the best situation for the entire community.

Mayor Bain suggested that a Town Hall meeting could be scheduled for public input. He wants to keep the process moving in order to be able to make a legitimate decision within the next two years.

Councilman Garcia referred to the Recreation Needs Assessment Survey that was approved by Council. He explained that the survey would go to every household in order to assess the recreational needs of the entire community for people of all ages.

City Manager Borgmann clarified that the survey is related to programming and the information that is gathered could indicate a need for certain types of structures or facilities. He added that a structural engineer was on site last week who was more concerned about the steel framing of the existing gym and whether or not it would meet today's Code.

Councilman Youngs explained that there was some confusion during the campaign about the needs assessment survey and the inspection by a structural engineer.

In reference to the needs assessment survey, Councilman Garcia said that some residents were under the impression that they would receive a survey asking them if they were in favor of a new recreation center or refurbishing the old one. He clarified that the purpose of the survey is to assess the recreation needs of the community.

City Manager Borgmann said that if Council had additional questions they could be added to the survey. He will be meeting with the company representatives on Thursday, April 12th and hopefully they would put together focus groups.

Mayor Bain asked the City Manager to find out how long it would take to complete the assessment because Council needs to make a decision about the Recreation Center and he does not want to delay the process.

Vice Mayor Best felt that it is important to hold a Town Hall meeting as soon as possible. He said that the engineering survey is of prime importance.

Councilman Dotson hopes that Council can work together to develop the facts and information necessary upon which to make a decision. He believes that there should be some agreement on what the facts are before holding a Town Hall meeting. The needs assessment is to study the needs for programs, not facilities.

City Manager Borgmann reiterated that the demand for specific programs would determine the facilities that are needed.

Councilman Dotson said that the process of determining how to proceed with the gym is a different matter that involves some disagreement. He would like to come together on the facts and give the people some information that they can think about and make a decision themselves. People need to know how much a new gym would cost and if it is going to increase their taxes. He felt that there is an absence of information and facts.

Mayor Bain stated that more information is needed before the next meeting, including the results of the engineering inspection and Council could set a Town Hall meeting at that time. He said that on May 1st he would meet with Coral Gables Mayor Don Slesnick to tour their gymnasium and the City Manager is invited.

Councilman Youngs said that he would also like to ask the engineer to determine if the current gymnasium is up to the current Code for a hurricane shelter. He is not sure what a hurricane shelter involves, but it might turn out that the gymnasium is not a likely place. He requested information to show what the standards are for a hurricane shelter. Council would not approve a new gymnasium if it is not fiscally responsible to do so, and bond financing would have to be approved by the voters.

Mayor Bain felt that it would help to have a drawing or design for a new gym when asking for assistance or financing.

9C) Recommendation that Council Waive the Competitive Bid Process and Approve an Expenditure of \$42,300 to Mr. Romero's Roofing & Inspections for the Re-roofing of the Gymnasium, Pursuant to Section 31.11 (E) (6) (g) of the City Code

City Manager Borgmann read the title of the award for the re-roofing of the gymnasium. He explained that because time was of the essence the Administration did not go through the bidding process and obtained three, independent written quotes. The lowest quote meeting specifications was submitted by Romero's Roofing and Inspections and they offered a ten-year guarantee.

City Manager Borgmann stated that Mr. Romero was a former roofing inspector for the City and now that he is no longer employed by the City his company is able to do the work.

Jorge Santin of 1249 Heron Avenue was glad to see this item on the agenda because the safety needs of the children must be met first before considering the need to re-build or restore the gymnasium.

City Manager Borgmann said that \$60,000 was budgeted and this particular bid was \$42,300 compared to the other bids of \$46,000 and \$55,800.

Councilman Dotson mentioned that there was consensus to give the City Manager authority to put the new roof on the gym and make the facility safe.

Councilman Garcia moved to approve and Councilman Youngs seconded the motion which was carried 5-0 on roll call vote.

9D) Review and Consideration of the Revised Draft of Proposed Amendments to the Future Land Use Element of the City's Comprehensive Plan; Process to Amend the City Comprehensive Plan at Both Municipal and State Levels

City Manager Borgmann said that Mayor Bain requested an agenda item to review and consider the revised draft of proposed amendments to the future Land Use Element of the City's Comprehensive Plan related to the N. W. 36th area in order to begin the process while waiting for the final determination on the Evaluation and Appraisal Report (EAR) from the State.

City Manager Borgmann stated that City Planner Richard Ventura has additional facts and figures to present and he would like Council to review the proposed amendments to make sure that is how they want to proceed.

Mayor Bain said that he does not want to delay the process while waiting for approval of the EAR and that is why he asked to place this item on the agenda.

City Planner Ventura stated that once the EAR is found sufficient by the State, the process to amend the Comprehensive Plan process can be initiated. He reviewed the following proposed amendments:

1. The Airport Highway Marine Business District is divided into the following three smaller districts due to the diverse nature and location of each of the sub-districts:
 - (A) *Airport Golf*; the area surrounding the golf course which is bounded by Curtiss Parkway, Fairway Drive and Deer Run.
 - (B) *36th Street*; the area from Curtiss Parkway east to that point where the Miami Canal intersects with 36th Street.
 - (C) *Abraham Tract*; south of 36th Street
2. Floor Area Ratio (FAR) for that portion of the AHMBD in the 36th Street sub-district shall be increased to 3.0.
3. The inclusion of Mixed-use development (residential uses on upper floors above retail, office and related uses) in the *Airport Golf* district.
4. Structures or portions of structures located adjacent to N. W. 36th Street, and more than 150 feet from adjoining residential districts shall not exceed a height of 160 feet Above Mean Sea Level (AMSL), pursuant to Miami-Dade County Aviation Department regulations. (Please note: at various points along N. W. 36th Street, existing elevations are already at approximately 5 to 10 feet AMSL). It shall be the responsibility of the applicant to include the existing AMSL elevation for the proposed project site on the survey for the proposal.

Councilman Dotson asked if the area on South Royal Poinciana Boulevard that extends down to Le Jeune Road would be part of the AHMBD and City Planner Ventura answered affirmatively.

City Manager Borgmann stated that there are two specific areas; one is north of 36th Street and the other is south of 36th Street.

Councilman Dotson questioned how far north the AHMDB district extends on Royal Poinciana and whether or not the proposed amendments would change what exists now.

City Planner Ventura confirmed that there would be no change. He offered to produce maps for Council.

Councilman Youngs asked if Council wanted to consider a change because this would be the opportunity to do it.

Councilman Dotson agreed he would like to discuss the matter.

Councilman Youngs suggested that increasing the floor area ratio (FAR) to 3.0 should be limited to N. W. 36th Street.

City Attorney Seiden explained that he did not participate in the last Comprehensive Plan process because the consultant dealt with the former City Planner. One of the problems encountered in the situation with the Aladdin Hotel was that the AHMBD extended almost into the residential area and he was surprised to see that it was done that way. He said that this might be a point that Council would want to address.

To answer Councilman Dotson's question, City Attorney Seiden explained that the former hotel that was on the site where the Aladdin Hotel is located, could have been built under R3-C or B-1 zoning. He confirmed that the property is currently part of the AHMBD and there were no district boundary regulations in place, but everyone thought it was zoned B-1.

Councilman Youngs stated that even though there were no district boundary regulations in place for the AHMBD, it was acknowledged that this was a violation of the statutes and the City could have been sued by a developer for not implementing regulations. In a number of instances, development was allowed by site plan approval with the condition that the building could be replaced as long as it was the same use.

Mayor Bain suggested limiting the FAR to 1.0 or the height to 55-feet for those areas in the AHMBD that are adjacent to residential areas.

City Attorney Seiden stated that there could be a sliding scale for the FAR. He explained that a Comprehensive Plan amendment is a much more complex procedure than amending an ordinance. In order to allow more flexibility, Council might consider eliminating the FAR entirely within the district and adding a provision for each of the sub-districts that states that an appropriate FAR will be determined by implementation of appropriate district boundary regulations. The alternative would be to set a flat number in the Comprehensive Plan.

Mayor Bain was of the opinion that the process would be more complex without setting the FAR because it would involve square footage.

Attorney Seiden stated that another alternative would be to put a provision in the Comprehensive Plan that the districts will be assigned floor area ratios not to exceed 3.0, subject to district boundary regulations that may be determined by Council.

Mayor Bain agreed that he would like to allow an opportunity for 3.0 FAR, as long as there is protection for those areas adjacent to residential homes. He asked if an FAR would be needed for the Airport Golf area because the height would be limited to 40-feet.

City Attorney Seiden said that an FAR would still be necessary in order to encourage commercial development. He explained that the City Planner's proposal is to consider residential uses only for the Airport Golf district. He suggested that Council might want to consider allowing residential uses for N. W. 36th Street and the Abraham Tract because there is still protection from the Charter amendment that limits residential units to 40-feet.

Councilman Dotson explained that the goal is to develop a commercial tax base and N. W. 36th Street is an area that could address the imbalance between the residential and commercial tax base. He would like to concentrate on commercial development in order to maximize the revenue potential. The FAR is only a basis for discussion.

Mayor Bain said that he wanted to discuss the FAR in order to be able to continue the process at the next meeting.

Council agreed to limit residential to the Airport Golf district and restrict N. W. 36th Street to commercial.

City Attorney Seiden stated that number 4 is a matter of law. He explained that the annexed property is the only property in the City that would be impacted and any developer would be required to obtain Federal Aviation Agency (FAA) approval.

Councilman Youngs asked if the AHMBD could be renamed based on the three separate districts so that it would be easier to pronounce and City Attorney Seiden agreed that the name could be changed.

Councilman Dotson inquired about the notice of public hearing that residents received from the County regarding the property from Le Jeune Road to 72nd Avenue between Perimeter Road and N. W. 36th Street.

City Manager Borgmann stated that the information about the public hearing was extremely vague.

Councilman Garcia asked the City Planner to obtain more information from the County related to the notice of public hearing.

Attorney Seiden suggested that the City Planner could place a call to DCA or the FIU consultant to determine if it is alright to begin holding public hearings in advance of the EAR approval from the State.

10. New Business:

10A) Stormwater (Drainage) Projects on the Horizon

City Manager Borgmann stated that in preparation of the rainy season he asked Finance Director William Alonso the current balance in the Stormwater Fund and he indicated that there is approximately \$700,000. Looking at the Stormwater Master Plan, four of the eight major drainage projects that were recommended by Post Buckley were completed.

City Manager Borgmann said that Project No. 5 involves the installation of 270' of French drain on Shadow Way just west of Dove Avenue for an approximate cost of \$84,375.00.

City Manager Borgmann stated that Project No. 6 is a major project that is estimated to cost \$337,500 including 1,800 feet of 18" to 48" diameter clay pipe and an overflow structure on Payne Drive between Apache and Ludlam, which will provide much needed relief for the area around the Senior Center.

City Manager Borgmann explained that Project No. 7 includes 635 feet of French drain and 1,200 feet of 15" to 48" clay pipe and an overflow structure in the area near Heron and Lenape at the N. W. corner of the High School for an estimated cost of \$423,450. He said that the total cost of the three projects combined is \$845,325, including a recommended contingency of 20% and engineering fees of 15% for a grand total of \$1.1 million.

The final project identified in the Master Plan relates to Hunting Lodge Drive and the Golf Course, which has a price tag of \$691,875, according to Mr. Borgmann. He said that he would like to begin the bidding process, which requires construction drawings.

The City Manager stated that funds are available for Projects 5 and 6 and he would like to obtain drawings for No. 7 in case the City is fortunate to receive additional funding.

Discussion ensued about the priority of the different projects.

City Manager Borgmann stated that there might only be available funds for Projects 5 and 6. He said that Post Buckley's estimates for stormwater projects had historically been high and he is hoping they overestimated so that all three projects could be accomplished.

Councilman Garcia moved to authorize the City Manager to go out to bid for the construction drawings for projects 5, 6 and 7. Vice Mayor Best seconded the motion which was carried 5-0 on roll call vote.

10B) Approval of Waiver of Plat – Case No. 02-ZP-07 – Celso Delgado – 565 Deer Run – R-1A Single Family Residential (Case Heard by the Zoning and Planning Board on April 2, 2007)

City Planner Ventura stated that this is a request for approval of the Waiver of Plat for Case No. 02-ZP-07 for Celso Delgado of 565 Deer Run which is zoned R-1A single family residential. The lot size is 150' x 195' and the proposal is to legally divide the existing lot into two 75' wide lots.

City Planner Ventura said that the proposed Waiver of Plat received a recommendation for approval at the April 2, 2007 Zoning and Planning Board by a unanimous vote. Staff has reviewed the proposed Waiver of Plat and has concluded that it meets Code requirements.

City Planner Ventura stated that the back up materials includes two letters from Post, Buckley, Schuh and Jernigan. The first letter dated March 6, 2007, lists comments to be addressed and the second letter dated March 21, 2007, states that the conditions had been addressed; therefore they recommend approval. He added that Staff recommends final Council approval of the proposed Waiver of Plat.

To answer Councilman Dotson's question, City Attorney Seiden stated that over the years a number of lots were subdivided without the City's knowledge, which resulted in non-conforming lots that could not be developed. He said that as long as the Code requires a minimum average width of 75' and the lot is in a district that has the correct total square footage, the applicant is legally entitled to divide the lot.

City Attorney Seiden stated that the County has the final approval, which is a ministerial act. He explained that the City Planner submits the applications to Post, Buckley, and if the surveys meet all the qualifications for two buildable lots, there is not much the City can do to stop the division of the lot, unless the Code is changed.

Councilman Garcia moved to approve and Councilman Youngs seconded the motion which was carried 4-1 with Councilman Dotson casting the dissenting vote.

10C) Discussion Regarding Citizen Decorum Policy for City Council Meetings

City Manager Borgmann stated that Mayor Bain requested this item regarding citizen decorum at Council meetings. Miami-Dade County has a policy similar to what the Mayor is interested in, which is attached to the memo in the agenda packet.

Mayor Bain explained that everyone is allowed the right to speak but in some situations the discussion becomes personal or out of order and he would like a policy or law so that he would know when he is allowed to stop the discussion. He explained that he does not totally agree with the County's policy and the City should prepare its own.

City Manager Borgmann suggested that he could survey other cities to determine which ones have policies on decorum.

Mayor Bain would like to have support from Council if he should have to stop someone from speaking. He does not want the decision to be based on his judgment alone.

The City Attorney advised the Mayor that he has a certain amount of authority sitting with the gavel. The wording could state that the Mayor has the right to ask a speaker to stop, subject to the Council overriding the decision.

Mayor Bain agreed that he would abide by Council's wishes. He understands there is freedom of speech, but not when someone is personally attacked at a Council meeting.

Councilman Dotson felt that the Mayor had done an excellent job of running the meeting with the gavel when people are boisterous or out of line. He does not like the decorum policy because the people should feel like they can come to a Council meeting and talk. He does not want to intimidate anyone if the process is too restrictive or overbearing. Some people express a lot of emotion, which is okay as long as they are not out of control.

Councilman Dotson stated that he would like to encourage more public participation as long as it is done in an orderly fashion. Some people have criticized him, which bothers him, but he tries to thank them anyway.

Councilman Garcia said that there should be a written policy that could be drafted and presented at the next meeting.

City Attorney Seiden felt that the Mayor's question is legitimate because he has the ultimate authority to make the decision with the gavel and if he does not have something to refer to as a guide as to when he should use the gavel or not, then it is up to his personal judgment. He said that not having a policy puts a burden on the Mayor that may not be fair and if there were some guidelines in writing it could benefit everyone.

Mayor Bain said that he would like some guidance and the policy should be in the spirit of Miami Springs, not the County.

The Administration will survey other cities and present information at the next meeting.

10D) Confirmation, as a Ministerial Duty, per City Code §35.56 (A) (3) of Police Officer Jonathan Kahn as the Fifth Member of the Police Officers and Firefighters' Retirement System, Chosen Unanimously by the Other Board Members at their Meeting of February 1, 2007

City Manager Borgmann explained that Jonathan Kahn was unanimously chosen by the other board members as the fifth member of the Police Officers and Firefighters' Retirement System. His appointment requires a confirmation vote from Council.

Councilman Garcia moved to confirm the appointment of Jonathan Kahn and Councilman Youngs seconded the motion, which was carried 5-0 on roll call vote.

11. Other Business:

11A) Scheduling of Board of Appeals Meeting to Hear Case No.19-V-07 (Case Heard by the Board of Adjustment on April 2, 2007)

Discussed after Agenda Item 6E.

12. Reports & Recommendations:

12A) City Attorney

Congratulations

The City Attorney congratulated the Mayor and Council on their re-election. He looks forward to moving in a positive direction and keeping the momentum that was established in the last two years. He encouraged Council to call him with any questions they might have.

12B) City Manager

Congratulations

City Manager Borgmann congratulated the Mayor and Council. He said that it was a good Council for the last two years, he is sure that this would continue and he looks forward to working with Council for the next two years.

Dade Heritage Trust Award

City Manager Borgmann announced that Dade Heritage Trust had bestowed Mary Ann Goodlett-Taylor with their award for the outstanding individual in historic preservation. Their annual meeting will be held at Northern Trust Bank at 700 Brickell Avenue on Thursday, April 26, 2007, and they are asking anyone who would like to attend to R.S.V.P. by April 23rd.

State of the City Address

City Manager Borgmann reported that Council received invitations from City of Miami Mayor Manny Diaz to his State of the City Address on Thursday, April 26, 2007, and the R.S.V.P. date is April 16th.

Water and Sewer System

City Manager Borgmann reported that he met with Staff from the Miami-Dade Water and Sewer Department (WASA) regarding the take over of the Water and Sewer system. The County estimated it would cost them \$22 million take over the system, which includes changing all the meters, \$8.5 million to assume the bond debt and a similar amount for repairs. They did not indicate whether or not they will find a way for the City to borrow the funds from them ahead of time to pay off the bonds. The City might have to consider bridge financing with the full faith and credit from the County backing up the City for the repayment of the loan within a 30-day period depending on the closing date. The County's rates are lower than the City's but the County will not spread the \$22 million to the rest of the County's customers and this amount will become a full burden on Miami Springs' residents. If the County extends financing for 20-years, the residents would be paying an additional 7 years of debt service.

In response to Councilman Garcia's concern about the service, the City Manager stated that the County indicated that their response time could be just as good as the City's, but the County's policy is to charge \$135.00 for a service call in response to sewer back-ups.

Councilman Dotson said that the take over would have to be re-evaluated and probably the economics would indicate that the City should keep the water and sewer system. He has wanted to transfer the system since he was first elected, but not at the expense of \$22 million to the residents because it is not fair or economical. He would like to continue with preventative maintenance to increase the percentage of the system that is sleeved in order to get to the point where the sewer system is making a profit.

The City Manager added that the City would need the cash flow from the system if the State is successful in any type of property tax reform.

Little League Baseball

City Manager Borgmann reported that the Little League baseball games commenced today.

Arbor Day

City Manager Borgmann announced that the Arbor Day celebration is scheduled for Wednesday, April 18, 2007 at 11:00 a.m. at Crane and North Royal Poinciana Boulevard.

Golf Course Operation

City Manager Borgmann stated that the Golf Course generated \$21,700 in revenue last Friday, Saturday and Sunday, which is a superior record.

Springs River Festival

City Manager Borgmann reminded everyone to attend the Springs River Festival this weekend. The opening ceremony will take place on Friday, April 13th at 6:00 p.m. and the dedication of “John Stadnik Way” will take place as part of the ceremonies.

John Stadnik Way

City Manager Borgmann requested that Council approve a motion authorizing a resolution asking the County to approve the co-designation of a portion of Curtiss Parkway as “John Stadnik Way”. Councilman Garcia moved to authorize a resolution and Vice Mayor Best seconded the motion, which carried unanimously on roll call vote (**Resolution No. 2007-3355**).

12C) City Council

Re-election Campaign

Vice Mayor Best thanked his wife and family for their support during his re-election campaign. He said that he owes a debt of gratitude to the residents of the City for believing in him and electing him for the next two years. He also thanked his opponents for their class and candor in running their campaigns.

Property Tax Reform

Councilman Dotson asked if the Administration had a plan in mind in anticipation of the possible property tax reform that is being considered in Tallahassee, especially if the millage rate needs an adjustment. City Manager Borgmann explained that one consideration is a cut across the board of approximately 15 or 20% for all departments and if the City were to lose \$1MM what service it would be equivalent to in Miami Springs. There is no idea what the end result or the formula will be for the sales tax reimbursement to the cities. The discussion would be scheduled for the next Council meeting to set the priorities and goals for the City.

Re-election to Office

Councilman Dotson stated that he appreciates the opportunity to serve on Council and represent the residents. He recognized his opponent Michael Windrem and thanked him for the kind of campaign that he ran. He thanked Mayor Bain for his leadership, for pulling people together and running a good meeting.

City Council

Councilman Garcia welcomed back the Mayor and Council. He felt that Council had done a wonderful job staying on track and he hopes they will be able to move forward very quickly.

Zoning Procedures

Councilman Garcia requested a list of the properties where there could have been zoning regulations that were overlooked.

Water Restrictions

Councilman Garcia mentioned that the South Florida Water Management District is considering a second phase for water restrictions. He suggested distributing information in the utility bills about the water restrictions.

Senior Citizen Benefits

Councilman Garcia asked to include information in the utility bills to inform the senior citizens of the extra homestead exemption and the due date extension for the payment of utility bills based on the receipt of their social security checks.

Mayor Bain suggested that Elderly Services Director Karen Rosson could also provide information at the Senior Center regarding the senior benefits.

Public Information Officer

Councilman Garcia asked to consider a Public Information Officer position in the budget process because it would be more efficient for one person to be responsible for disseminating information to the public.

Grant Writer

Councilman Garcia stated that he would proactively support hiring a grant writer. He would like the Administration to put out a bid because many of the projects on the "Wish List" could be accomplished from state or federal funding.

Thank You

Councilman Garcia thanked Mayor Bain for his leadership.

Public Information Officer

Councilman Youngs expressed his support for hiring a Public Information Officer. He suggested that a current employee could be assigned this task in the interim until the budget is finalized because it is important to circulate accurate information.

Thank You

Councilman Youngs thanked Council for working together the last two years. He said that it is an honor and pleasure to serve on Council and he is looking forward to the next two years.

Zoning Procedures

In response to the comments made during Open Forum, City Attorney Seiden said that Council established a policy that when a project is at the foundation stage the developer must provide an “as built” survey to confirm the dimensions in order to prevent any encroachments that were not previously noted. There is also a requirement that before any permits are issued the plans must be approved by the City Planner indicating that the plans were reviewed and they are consistent with the Codes. In addition, language was added to the permit applications stating that even though a permit is issued, it does not waive or release the developer from the requirement of any Code section or variance that may be required.

Zoning Procedures

Mayor Bain requested an agenda item for the next meeting to reiterate the new zoning procedures. He inquired about a time limit for finishing construction once a permit is pulled. The City Attorney explained that according to the Florida Building Code permits are granted for six months, subject to an additional six month extension, and as long as work is progressing toward the completion of the project, virtually there could be unlimited extensions. The Board of Rules and Appeals for Miami-Dade County is the jurisdiction for those complaints related to projects that remain unfinished and the City can be a complainant in those situations if they feel that a project is not moving forward.

Shade for Tot-Lot

Mayor Bain asked for an update on the shade covering for the Tot-Lot. The City Manager reported that the Administration received quotes and visited City of Hialeah parks to see how they are handling their shade protection. Staff is looking at the possibility of large umbrella type structures that can be easily lowered.

Mayor Bain suggested shading one side of the Tot-Lot or the areas that receive the most sunlight. Assistant City Manager Gorland stated that a number of firms visited the location and it was determined that a survey of the park is needed. He received one estimate without the survey, which will be presented at the next meeting.

Park Restrooms

Mayor Bain inquired about the status of the restrooms for Stafford and Dove Avenue Parks. The City Manager reported that construction should break ground any day now that all the DERM requirements were resolved. He suggested holding a ceremonial ground breaking so that everyone could attend.

Problem Tree

Mayor Bain referred to the tree on the Nightingale Avenue property that is a concern to the residents on Raven Avenue. He said that the City received permission to trim the tree back and he would like the work to proceed as soon as possible.

Thank You

Mayor Bain thanked the residents for the opportunity to serve again for the next two years. He said that Council would continue to push forward. He felt that Council accomplished a lot at this meeting.

13. Adjourn.

There being no further business to be discussed the meeting was adjourned at 9:00 p.m.

Billy Bain
Mayor

ATTEST:

Magalí Valls, CMC
City Clerk

Approved as written during meeting of: 4/23/2007

Transcription assistance provided by S. Hitaffer